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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,165	03/09/2005	Nicolas Ringot	0563-1039	9350
466	7590	12/12/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER JOSEPH, DENNIS P	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,165

Applicant(s)

RINGOT, NICOLAS

Examiner

Dennis P. Joseph

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to amendments filed in application No. 10/527,165 on September 17, 2007. Claims 1, 3-10 are pending and have been examined.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1,3 and 10** rejected under 35 U.S.C. 102(b) as being anticipated by Kim (5,838,386)

Kim teaches in Claim 1:

A method of controlling a multimedia apparatus having a graphic screen and a bi-axial button (up/down-right/left) (Figure 6 shows the controller 61 for controlling the screen 62), the method comprising the steps of:

the bi-axial button in a first axis to select a function in a scrolling menu displayed on said graphic screen (Column 5, Line 42, left and right click buttons on remote), wherein the scrolling menu is in a continuous loop (Examiner takes Official Notice, it is common for TV remotes to scroll continuously, for example, scrolling below the first channel will automatically

result in the highest channel being displayed) , and wherein the selected function appears permanently in the center of the scrolling menu (Figure 6 shows the display menu (read as scrolling menu when used with the remote) with the functions 'Ch' and 'Volume'. Whether it is in the center or not is an obvious design choice), and

actuating the bi-axial button in the second axis to adjust a parameter of the selected function. (Column 6, Lines 24-31, using the up-down buttons of remote 61 to increase or decrease the channel and volume)

Kim teaches in Claim 3:

The method as claimed in claim 1, characterized in that the scrolling menu is in the form of a cylinder or drum with horizontal axis when viewed laterally. (Figure 6 shows the display menu 64 to be a scrollable with the remote 61)

Kim teaches in Claim 10:

A multimedia apparatus using the method as claimed in claim 1, characterized in that the bi-axial button is situated on the apparatus or remote from it. (Figure 6)

Claim Rejections – 35 USC § 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that forms the basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. **Claims 4-9** rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,838,386) in view of Hiraka et al. (US 6,400,377 B1)

Kim teaches in Claim 4:

The method as claimed in claim 1, characterized in that, when the function has been selected (Kim, Figure 6, either the channel or volume functions can be selected); but

Kim does not explicitly teach the method to include “the range of adjustment of the parameter appears in the form of an adjustment bar extending perpendicular to the scrolling menu and being integral with the indication of the function.”

However, in the same field on endeavor, adjustment systems, Hiraka teaches of adjusting the settings of a selected parameter by using adjustment bars extending perpendicular to the menu (Hiraka, Figure 14, Column 3, Lines 1-12). As disclosed, a function is selected, such as contrast or brightness, and an adjustment bar appears to allow for small changes in the value.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the adjustment bar as taught by Hiraka with Kim's display system with the motivation of allowing for precise, fine adjusting of several settings like the volume, brightness, etc.

Hiraka teaches in Claim 5:

The method as claimed in claim 4, characterized in that, for at least one function, the adjustment bar is in the form of a cursor on a graduated scale. (Examiner takes Official Notice as to the use of graduated scales for TV remotes. They are common to be displayed on screen as the user adjusts values such as volume, brightness, etc.)

Hiraka teaches in Claim 6:

The method as claimed in claim 4, characterized in that, for at least one function, the adjustment bar is in the form of a series of tabs. (Figure 14 shows a tab structure with several possibilities depending on which adjustment item is selected.)

Hiraka teaches in Claim 7:

The method as claimed in claim 4, characterized in that, if the rest of the screen is occupied by the display of a parameter of a second function, the adjustment bar is positioned in simplified form under the function indication. (Column 9, Lines 3-6, a relevant adjustment window and submenu window)

Kim teaches in Claim 8:

The method as claimed in claim 1, characterized in that, in said scrolling menu (Figure 6, display menu 62 as indicated by the channel/volume menu); but

Kim does not explicitly teach “the unselected functions have a lesser visual importance than the selected function but remain displayed.”

However, in the same field of endeavor, adjustment systems, Hiraka teaches of using inverted video for emphasizing certain icons/windows over others. (Hiraka, Column 4, Lines 11-18).

This would cause some windows to have more or less visual importance than others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the inverted video technique as taught by Hiraka with Kim’s display system with the motivation to allow the operator to distinctly recognize the content of each operation, which results in easier use (Hiraka, Column 4, Lines 11-14)

Kim teaches in Claim 9:

The method as claimed in claim 1, characterized in that, in said scrolling menu (Figure 6, scrolling menu as indicated by the channel/volume menu); but

Kim does not explicitly teach “the selected function appears in reverse video relative to the other functions.

However, in the same field of endeavor, adjustment systems, Hiraka teaches of using inverted video for emphasizing certain icons/windows over others. (Hiraka, Column 4, Lines 11-18). This would cause some windows to have more or less visual importance than others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the inverted video technique as taught by Hiraka with Kim's display system with the motivation to allow the operator to distinctly recognize the content of each operation, which results in easier use (Hiraka, Column 4, Lines 11-14)

Response to Arguments

6. Applicant's arguments have been considered and are persuasive. A new grounds of rejection has been given.

Kim is used to show of a scrolling menu (Figure 6) for selecting a function (channel/volume) using the left and right click of the remote. Furthermore, the adjusting of those functions as indicated by the up and down arrows on the menu are done with the use of the remote as well.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis P. Joseph whose telephone number is 571-270-1459. The examiner can normally be reached on Monday-Friday, 8am-5pm.

Application/Control Number:
10/527,165
Art Unit: 2629

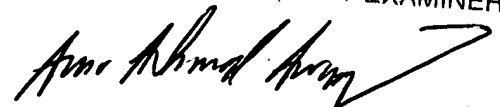
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJ

AMR A. AWAD
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Amr A. Awad", with a long horizontal stroke extending to the right.